

## **REMARKS**

### **Reasons for the Amendments**

The amendments to claims 1, 2 and 15 are made to exclude the compounds disclosed by Preuss et al. (U.S. Patent No. 4,284,621) in Table 1. The amendment to claim 32 is made to provide proper antecedent basis by referring to "claim 1" and not "formula I". New claim 34 is added to claim compounds other than those disclosed by Preuss et al. which are deleted from claim 2 by the amendment above.

### **Rejection based on Preuss et al.**

Claims 1-2 and the claims which depend thereon (claims 3-11, 16-32 and new claims 39, 41, 43, 45, 47 and 49) define compounds wherein  $R_5$  is not hydrogen. Original claims 12-14 also define compounds wherein  $R_5$  is not hydrogen. Since  $R_5$  is not hydrogen, these claims define compounds distinct from those in Table 1 of Preuss et al.

New claim 34 and the claims which depend thereon (claims 35-38, 40, 42, 44, 46, 48 and 50) define compounds by a formula wherein "hydrogen" is in the position corresponding to the position of  $R_5$  ( $R_5$  is not shown). The compounds defined in these claims do not encompass those disclosed by Preuss et al. because either

- a)  $R_1$  is  $-CO_2R_3$  and  $R_3$  is linear or branched  $C_3$  to  $C_{20}$  alkyl,
- b)  $R_1$  is  $-C(O)N(R_4)_2$  and at least one  $R_4$  is linear or branched  $C_1$  to  $C_8$  alkyl,
- c)  $R_2$  is linear or branched  $C_3$  to  $C_{30}$  alkyl
- d) X is NH or
- e)  $R_6$  is  $C_2$  to  $C_8$  alkyl.

Amended claim 15 does not recite any compounds disclosed by Preuss et al.

### **Rejection based on Manrao et al.**

In amending claims 1 and 2 so that  $R_5$  is not hydrogen, the compounds defined in claims 1-11, 16-32, 39, 41, 43, 45, 47 and 49 do not encompass the diamide derivative of 4-hydroxy-3-methoxy benzylidene malonate disclosed by Manrao et al. Original claims 12-15 never encompassed such a compound and the definitions in new claims 34-38, 40, 42, 44, 46, 48 and 50 do not encompass this compound.

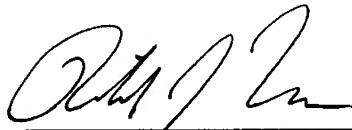
A

**Claim Objections**

Applicants acknowledge that original claims 7-10 were found to define patentable subject matter. These claims have not been amended to be in independent form since it is believed the claims upon which they depend may be allowed as amended. The allowable subject matter of original claims 7-10 that is canceled by the amendment to claim 2 is provided in new claim 34.

Based on the above remarks, Applicants submit all claims (claims 1-50) are in a form suitable for allowance and patentable over the prior art. Therefore, withdrawal of the rejections and allowance of claims 1-50 are earnestly solicited.

Respectfully submitted,



---

Richard J. Traverso (Reg. No. 30,595)  
Attorney for Applicant(s)

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.  
Arlington Courthouse Plaza I  
2200 Clarendon Boulevard, Suite 1400  
Arlington, Virginia 22201  
(703) 812-5310 [Direct Dial]  
E-mail address: traverso@mwzb.com

**Filed: June 20, 2002**

RJT/lvb  
K:\EMI\29\amendment.doc

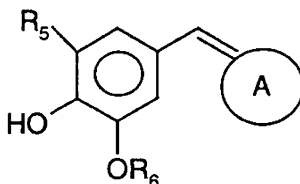


**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS**

Claims 1, 2, 15, and 32 have been amended as follows:

1.(AMENDED) A compound of formula I



I

wherein

A is a moiety which is chromophoric within the UV radiation range of wavelengths to provide UV absorbing activity to the compound of formula I, wherein moiety A comprises one divalent group or two monovalent groups, with at least one group having carbonyl (C=O) functionality,

R<sub>6</sub> is independently linear or branched C<sub>1</sub>-C<sub>8</sub> alkyl, and

R<sub>5</sub> is ~~hydrogen or~~ linear or branched C<sub>1</sub>-C<sub>8</sub> alkyl.

15. (AMENDED) A compound ~~of claim 1~~ selected from the group consisting of

~~ethyl-alpha-cyano-3-methoxy-4-hydroxy cinnamate,~~

~~ethyl-alpha-acetyl-3-methoxy-4-hydroxy cinnamate,~~

iso-propyl-alpha-acetyl-3-methoxy-4-hydroxy cinnamate,

iso-amyl-alpha-acetyl-3-methoxy-4-hydroxy cinnamate,

2-ethylhexyl-alpha-acetyl-3-methoxy-4-hydroxy cinnamate,

~~diethyl-3-methoxy-4-hydroxy benzylidene malonate,~~

di-(2-ethylhexyl)-3-methoxy-4-hydroxy benzylidene malonate,

diisoamyl-3-methoxy-4-hydroxy benzylidene malonate,

dipalmitoyl-3-methoxy-4-hydroxy benzylidene malonate,

di-dodecyl-3-methoxy-4-hydroxy benzylidene malonate,

A

di-isopropyl-3-methoxy-4-hydroxy benzylidene malonate,  
di-(2-ethylhexyl)-3-methoxy-4-hydroxy-5-isopropyl-benzylidene malonate,  
di-isoamyl-3-methoxy-4-hydroxy-5-tert.butyl-benzylidene malonate,  
iso-amyl-alpha-acetyl-3-methoxy-4-hydroxy-5-isopropyl cinnamate, and  
iso-amyl-alpha-acetyl-3-methoxy-4-hydroxy-5-tert.butyl cinnamate.

32. (AMENDED) A personal care formulation which comprises a compound of ~~formula I~~ claim 1 in an amount effective to protect formulation ingredients from oxidation.

A